

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3408 OF 2004

Shravan Vishnu Jadhav. ... Plaintiff..

vs.

.1. Sitabai wd/o. Vishnu Jadhav & others. Defendants.

Mr.Y.E.Mooman i/b. Ms.Manish B. Gawde, for Plaintiff.

Mr.M.B.Nair, for Defendants 1 to 3 and 5.

CORAM: D.K.DESHMUKH, J.

DATED: 13th January, 2006

P.C.:-

By consent of parties, the suit itself is taken up for hearing.

By consent of parties, the suit is decreed in the following terms:-

1. It is declared that the flat being flat no.001, Ground floor, Building no.82, B-Wing, Tilak Nagar, Chembur, Mumbai-400089, was owned by Vishnu Ganpat Jadhav.

2. It is declared that on the death of Vishnu Ganpat Jadhav,

the plaintiff and the defendants inherited the property and each one of them has 1/6th share in the property.

3. The Court Receiver of this court is appointed as Receiver of the property.

4. It is agreed between the parties that it is the plaintiff and defendant no.1 who are presently occupying the flat.

5. The Receiver shall not disturb the possession of the plaintiff and defendant no.1 of the flat, but permit them to continue to occupy the flat on their filing undertaking before the Receiver undertaking to hand over vacant possession of the flat to the person who purchases the flat.

6. It is directed that the plaintiff and defendant no.1 shall not be forced to hand over the possession of the flat to the purchaser till 30th April,2006.

7. It is directed that the Receiver shall issue an advertisement calling bids for the flat. The Receiver shall also call for valuation report. After the bids are received, the Receiver shall put in a report to the Court together with the valuation report received for sale of the flat. The Receiver shall be entitled to execute a Sale deed in favour of successful purchaser on behalf of plaintiff and defendants.

8. The Receiver shall be entitled to deduct the expenses that may have been incurred by the Receiver for conducting sale of the flat.

However, initially the plaintiff shall put the Receiver into funds for conducting the sale. The amount contributed by the plaintiff shall be refunded to him by the Receiver after completion of sale.

9. The amount of sale consideration received by the Receiver shall after deducting the expenses that might have been incurred by the Receiver for conducting the sale be paid over to the plaintiff and defendants each having 1/6th share.

There shall be no order as to costs. Refund of Court fees, if any, as per rules. The suit is disposed of.
